

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Assignee: ConAgra Grocery Products
Company

Inventors: Constantine Sandu *et al.*

Application No: Not-Yet-Assigned
Filed: Herewith

Divisional of App. No. 10/231,609

Title: MAGNETIC ALIGNMENT
SYSTEM FOR SCRAPED-SURFACE
HEAT EXCHANGER

Group Art Unit: Not Yet Assigned

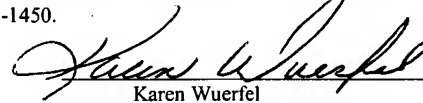
Examiner: Not Yet Assigned

CERTIFICATE OF MAILING
UNDER 37 C.F.R. 1.10

Date of Deposit: January 16, 2003

EXPRESS MAIL NO.: ER437496487US

I hereby certify that this paper, and all enclosures are being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. §1.10 on the date indicated above and is addressed to Mail Stop Patent Application, Commissioner for Patents, P. O. Box 1450, Alexandria, Virginia 22313-1450.


Karen Wuerfel

INFORMATION DISCLOSURE STATEMENT

Mail Stop Patent Application
Commissioner for Patents
PO Box 1450
Alexandria, Virginia 22323-1450

Sir:

In accordance with 37 C.F.R. § 1.56, the references listed on the attached form PTO/SB/08A are being brought to the attention of the Examiner for consideration in connection with the examination of the above-identified patent application. The Examiner is requested to make this document of record.

I. Timing of the Information Disclosure Statement:

This Information Disclosure Statement is filed:

- ☒ With the new patent application submitted herewith (37 C.F.R. § 1.97(a)).
- ☐ Within three months after the filing date of the application or within three months after the date of entry of the national stage of a PCT application as set forth in 37 C.F.R. § 1.491.

- ☐ Before the mailing date of a first Office action on the merits. In the event, however, that an Office Action has crossed in the mail with this Information Disclosure Statement, the Commissioner is hereby authorized to charge Deposit Account No. 50-2518 for any fees required pursuant to 37 C.F.R. §§ 1.17(p) or 1.17(i)(1).1).

This Information Disclosure Statement is filed:

- ☐ After the first Office Action and more than three months after the application's filing date; or PCT national stage date of entry filing but, as far as is known to the undersigned, prior to the mailing date of either a final rejection or a notice of allowance, whichever occurs first, and the Commissioner is hereby authorized to charge Deposit Account No. [] for the fee (\$180) set forth in 37 C.F.R. § 1.17(p) and any additional required fees.

This Information Disclosure Statement is filed:

- ☐ After the mailing date of either a final rejection or a notice of allowance, whichever occurred first, and is accompanied by the fee (\$180.00) set forth in 37 C.F.R. § 1.17(i)(1) and a certification as specified in 37 C.F.R. § 1.97(e), as checked below. This document is to be considered as a petition requesting consideration of the Information Disclosure Statement.

The undersigned certifies that:

- ☐ Each item of information contained in the Information Disclosure Statement was first cited in any communication mailed from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this information disclosure statement.
- ☐ No item of information contained in this information disclosure statement was cited in a communication mailed from a foreign patent office in a counterpart foreign application or, to the knowledge of the undersigned after making reasonable inquiry, was known to any individual designated in

37 C.F.R. § 1.56(c) more than three months prior to the filing of this Information Disclosure Statement.

II. Copies of the Cited Items:

- ☐ Copies of the items listed on the attached form PTO/SB/08B are enclosed.
- ☐ Copies of only the following items listed on the attached Form PTO/SB/08A are enclosed:
- ☐ Copies of those items which are marked with an asterisk (**) in the attached Form PTO/SB/08A were cited in a foreign examination report in a related case. A copy of the search report and the cited references not already of record in this application are attached hereto.

III. Concise Explanation of Relevance:

- ☒ A concise explanation of relevance of the items listed on form PTO/SB/08A is not given.
- ☐ A concise explanation of relevance of [some of] the items listed on Form PTO/SB/08A is in the form of an English language copy of a Search Report from a foreign patent office, issued in a counterpart application, which refers to the relevant portions of the references (copy attached).

IV. Related Applications:

- ☒ Applicants bring to the Office's attention the following related, co-pending application(s):

Parent Application, Serial No.: 10/231,609, Filed August 29, 2002.

V. Conclusion:

Citation of the above documents shall not be construed as:

1. an admission that the documents are necessarily prior art with respect to the instant invention;
2. a representation that a search has been made, other than as described above; or
3. an admission that the information cited herein is, or is considered to be, material to patentability as defined in § 1.56(b).

It is respectfully requested that the Examiner indicate consideration of the cited references by returning a copy of the attached form PTO/SB/08A with initials or other appropriate marks. The Commissioner is hereby authorized to charge Deposit Account No. 50-2518, billing reference number: 703170-5001 for any additional fees required in connection with the filing of this Supplemental Information Disclosure Statement.

Respectfully submitted,

BINGHAM MCCUTCHEN LLP

By:


Robert A. Schroeder
Registration No. 25,373

Dated: January 16, 2003

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Substitute for form 1449A/PTO

**INFORMATION DISCLOSURE
STATEMENT BY APPLICANT**

(Use as many sheets as necessary)

Sheet 1 of 2

Complete if Known

Application Number	Not Yet Assigned
Filing Date	Herewith
First Named Inventor	Constantine Sandu
Art Unit	Not Yet Assigned
Examiner Name	Not Yet Assigned
Attorney Docket Number	703170-2001

U.S. PATENT DOCUMENTS

Examiner Initials *	Cite No. ¹	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number - Kind Code ² (if known)			
	1	US-2,206,006	06-25-1940	Hendrey	
	2	US-2,765,660	10-09-1956	De Hart	
	3	US-2,812,921	11-12-1957	Leith, Jr.	
	4	US-261,234	07-18-1882	Jameson	
	5	US-3,834,232	09-10-1974	Gruner, et al.	
	6	US-3,839,085	10-01-1974	Hulvey, et al.	
	7	US-3,912,007	10-14-1975	Hellums et al.	
	8	US-3,983,938	10-05-1976	Hellums et al.	
	9	US-4,037,471	07-26-1977	Okamoto, et al.	
	10	US-4,092,858	06-06-1978	Edgerton	
	11	US-4,103,552	08-01-1978	Bucchianeri, et al.	
	12	US-4,114,038	09-12-1978	Parker	
	13	US-4,135,642	01-23-1979	Forward, et al.	
	14	US-4,182,444	01-08-1980	Fisher	
	15	US-4,437,968	03-20-1984	Elliott, Jr.	
	16	US-4,543,191	09-24-1985	Stewart, et al.	
	17	US-4,575,261	03-11-1986	Berger et al.	
	18	US-4,600,444	07-15-1986	Miner, Robert M.	
	19	US-4,663,794	05-12-1987	Evans, Harold J.	
	20	US-4,827,770	05-09-1989	Schwartz, et al.	
	21	US-4,912,799	04-03-1990	Coleman, Jr., Lewis E.	
	22	US-4,955,924	09-11-1990	Gorman, Daniel J.	
	23	US-5,193,106	03-09-1993	DeSena	
	24	US-5,300,151	04-05-1994	Lowther	
	25	US-5,308,162	05-03-1994	Amano et al.	
	26	US-5,460,041	10-24-1995	Andes et al.	
	27	US-5,600,862	02-11-1997	Bleske et al.	
	28	US-5,755,970	05-26-1998	Fourqurean, et al.	
	29	US-5,884,711	03-23-1999	Shoup	
	30	US-6,081,729	06-27-2000	Bauerschmidt et al.	
	31	US-6,206,978B1	03-27-2001	Tsui	
	32	US-6,237,398	05-29-2001	Porat et al.	
	33	US-6,416,261	07-09-2002	Martin	
	34	US-6,484,490	11-26-2002	Olsen et al.	
	35	US-6,513,385	02-04-2003	Han et al.	
	36	US-6,553,602	04-29-2003	Skarupa et al.	
	37	US-6,615,710	09-09-2003	Ishigaki et al.	
	38	US-6,644,848	11-11-2003	Clayton et al.	

Examiner
SignatureDate
Considered

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. ¹ Applicant's unique citation designation number (optional). ² See Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04. ³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. ⁶ Applicant is to place a check mark here if English language Translation is attached.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Substitute for form 1449A/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Use as many sheets as necessary)		Compleat if Known	
		Application Number	Not Yet Assigned
		Filing Date	Herewith
		First Named Inventor	Constantine Sandu
		Art Unit	Not Yet Assigned
		Examiner Name	Not Yet Assigned
Sheet 1 of 2	Attorney Docket Number	703170-5001	

FOREIGN PATENT DOCUMENTS						
Examiner Initials*	Cite No. ¹	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T ⁶
		Country Code ³ - Number ⁴ - Kind Code ⁵ (if known)				
		JP53-25062 (w/English Abstract)	08-03-1978	Hitachi Seisakusho K.K.		
		JP401255984A (w/English Abstract)	10-12-1989	Hitachi Ltd.		
		JP410277505A (w/English Abstract)	10-20-1998	Mitsubishi Electric Corp.		

OTHER – NON PATENT LITERATURE DOCUMENTS		
Examiner Initials*	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher city and/or country where published
	1	International Application No. US02/27823 (Publication No. WO 03/021179 A1); Published 03-13-2003; ConAgra Grocery Products Company; C. Sandu et al.

Examiner Signature		Date Considered	
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*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. ¹ Applicant's unique citation designation number (optional). ² See Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04. ³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. ⁶ Applicant is to place a check mark here if English language Translation is attached.

This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.